

## NATURAL RESOURCE COMMISSION[571]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to rescind Chapter 65, “Fireworks Displays—State Parks and Recreation Areas,” Iowa Administrative Code, and to adopt a new Chapter 65 with the same title.

The proposed amendment rescinds Chapter 65 and replaces it with a new version of the chapter. The chapter is restructured for organizational purposes to incorporate components of the new online centralized special event application process. The chapter also establishes a nonrefundable administrative fee to process the applications.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 22, 2010. Such written material should be directed to Sherry Arntzen, State Parks Bureau, Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034. Comments may be sent by fax to (515)281-6794 or by E-mail to [Sherry.Arntzen@dnr.iowa.gov](mailto:Sherry.Arntzen@dnr.iowa.gov). Persons who wish to convey their views orally should contact Sherry Arntzen at (515)242-6233.

There will be a public hearing on June 22, 2010, at 2 p.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources to advise of specific needs.

This amendment is intended to implement Iowa Code sections 461A.42, 461A.47 and 461A.57.

The following amendment is proposed.

Rescind 571—Chapter 65 and adopt the following **new** chapter in lieu thereof:

### CHAPTER 65 FIREWORKS DISPLAYS— STATE PARKS AND RECREATION AREAS

**571—65.1(461A) Entities eligible for permits.** Permits shall be issued only to qualified entities, such as political subdivisions of the state of Iowa, and to community or civic organizations, such as chambers of commerce, junior chambers of commerce (Jaycees), rotary clubs, and Elks Lodges and similar fraternal benefit associations or societies. Permits shall not be issued to individuals. Permits are not transferable to another entity and do not relieve the sponsoring entity from obtaining any other permits required by the state or its political subdivisions.

**571—65.2(461A) Permit conditions.** The department of natural resources, hereinafter referred to as “the department,” may impose special conditions not specifically covered herein for any fireworks display special event as deemed necessary to protect the resource or ensure public safety. Special conditions will be included in the authorization letter that the applicant or sponsoring organization receives if the application for the event is approved.

**571—65.3(461A) Application procedures.** The following procedures shall be used when applying for a fireworks display special event permit:

**65.3(1)** The application shall be made on an electronic form accessed through the department's online centralized special event application system.

**65.3(2)** The application shall be received electronically by the department via the online centralized special events application system.

**65.3(3)** Applications shall be accepted beginning January 1 in a given year for requested event dates extending to March 1 of the following year and shall not be accepted later than 30 days prior to the requested date for the event.

**65.3(4)** The number of special events at any one state park or recreation area during a given day may be restricted if deemed necessary to avoid congestion with the public or competing events.

**65.3(5)** The applicant shall certify in the application that the fireworks display will be conducted by a competent operator. The location of the display shall be determined by the department representative in charge of the area.

**65.3(6)** Submission of an application does not guarantee issuance of a permit by the department.

**571—65.4(461A) Fireworks display procedures.**

**65.4(1)** The sponsoring entity must take adequate safety precautions to ensure that persons not actively involved in conducting the display remain a safe distance from the firing area and any areas containing set pieces.

**65.4(2)** The department representative in charge of the area in which the display is conducted or any state peace officer may halt any display when the character, location, weather or firing of the display makes it hazardous to property or dangerous to any person or persons.

**65.4(3)** Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the operator or the sponsoring entity in a manner that is safe for the particular type of fireworks.

**65.4(4)** The sponsoring entity shall make arrangements for firefighting equipment and emergency medical services to be on the scene at all times during the firing of the display.

**65.4(5)** The sponsoring entity is totally responsible for cleanup of the fireworks display site at the conclusion of the display.

**571—65.5(461A) Fees.** A nonrefundable administrative fee of \$25 shall be charged for processing each fireworks display special event application.

**571—65.6(461A) Insurance.** The sponsoring entity for a fireworks display special event shall provide proof of liability insurance naming the applicant and the department as an additional insured in the sum of not less than \$1 million. The department may, at its discretion, require a greater amount. Insurance information shall be available at the time the application is submitted. The insurance shall insure to the use and benefit of the department or any person who suffers damage either to person or property by reason of the display of fireworks covered by the permit.

**571—65.7(461A) Concessions.** If the state park or recreation area has a concessionaire on site, sales of food and other items shall be governed pursuant to 571—Chapter 14. If a concessionaire chooses not to provide services during the event, the sponsoring entity may then bring in other concession operations as approved by the department.

These rules are intended to implement Iowa Code sections 461A.42, 461A.47 and 461A.57.